

**TERMINAL DISCLAIMER**

Docket No. 246472005100

In the application of: Arnold KELLER  
Serial No.: 10/619,179  
Filed: July 15, 2003  
For: MULTI-PART CERVICAL ENDOPROSTHESIS WITH INSERTION INSTRUMENT

The owner, Cervitech, Inc., assignee of a 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 as shortened by any terminal disclaimer of U. S. Patent No. 6,981,990 and any patent issuing on U.S. Patent Application No. 11/155,597. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent and application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns. Cervitech, Inc., certifies that it is the assignee of the entire right, title and interest in the patents and patent application identified above by virtue of assignments from the inventors and/or their original assignees. The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign the certificate on behalf of the assignee.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patents or any patent issuing on the application, as presently shortened by any terminal disclaimer, in the event that the prior patents: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term as shortened by any terminal disclaimer filed prior to grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is attorney or agent of record.

Dated: August 27, 2007

By:

Name: Barry E. Bretschneider  
Registration No.: 28,055

- The Commissioner is authorized to charge the terminal disclaimer fee of \$260.00 under 37 CFR 1.20(d) to Deposit Account No. 03-1952, Ref. 246472005100.
- PTO suggested wording for Terminal Disclaimer was:

unchanged

changed to refer to a patent and an application

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